

**HAMPTON CONSERVATION COMMISSION PUBLIC HEARING
FEBRUARY 24, 2015
MINUTES**

PRESENT:

Jay Diener, Chair
Peter Tilton, Vice Chair
Barbara Renaud, Clerk
Diane Shaw
Sharon Raymond
Gordon Vinther
Pat Swank, Alternate

Also Present: Rayann Dionne, Conservation Coordinator
Mary-Louise Woolsey - Selectmen Representative

CALL TO ORDER:

The meeting was called to order at 7:00 p.m. by Chairman, Jay Diener, at the Town Hall Selectmen's Meeting Room

CONSIDERATION OF MINUTES:

MOTION: Mr. Tilton moved to approve the February 3, 2015 minutes, as edited

SECOND: Ms. Shaw

**VOTE: 5 in Favor, 2 abstain (Ms. Raymond, Ms. Renaud) MOTION
PASSED**

APPLICATIONS:

- 1. 1030 Ocean Boulevard – Norino and Joanne Mirra. Agent – Steven Riker of Ambit Engineering. Redevelopment of the site with 204 sq. ft. of permanent impact and 3,139 sq. ft. of temporary impact in 50' buffer. Repair/replace the existing revetment. This is a town Special Permit and NHDES Expedited Minimum Impact application.**

This is a continued discussion on the above application as requested by the Commission at their meeting of February 3, 2015. The Commission had agreed that the plan was incomplete in that details were needed to be provided for the curved stairs proposed for the revetment including a cross section of how they will be integrated into the wall. Height measurements were also requested.

Mr. Riker was present for this meeting and provided additional/amended plans for review. He stated that the stairs are four feet wide. The upslope side wall is 48 inches (maximum) high and downslope is 6 inches (maximum) high. The cheek levels out as one makes a turn to the right and it levels out at the top.

Mr. Diener thanked Mr. Riker for the amended plans noting he now has a better understanding of the detail. He said that the Commission has been faced with walls/stairs, being built that were not anticipated due to inadequate details. When this wall/stairs are complete, they can then be checked against the plan.

There was a brief comparison of this wall to a photo of a recently reconstructed wall on the beach that was supposed to have a straight staircase but ended up building a curved staircase. Ms. Dionne reminded the Commission that even though these two projects have curved stairs, the previous project had sections of the wall that were sloped and vertical. This proposed project will have a consistent slope across the entire wall.

Ms. Dionne stated she can now better visualize in that this plan helps to show the variation and increase as it goes through the curve and also shows there are actually curved stairs.

Ms. Raymond stated that on this plan it appears that the wall is secondary to the stairs and on the other plan, the stairs were more integrated into the wall.

Mr. Diener stated that he feels this plan shows the stairs integrated into the wall better because there is a consistent slope going down to the stairs. The other wall had a sheer drop, stairs, and a slope. Mr. Diener also noted he has an issue with curved stairs in that straight stairs gives water a place to go even if it lands up on top of the property. The builder, he said, has to take the responsibility that the Town's property is protected as well as the homeowner's property.

Ms. Raymond agreed that the wall is there to protect the property; however, she's beginning to see a pattern where the design of the wall is more about the stairs than the wall.

Ms. Dionne said there could be more consistency, if there were design standards for the Commission to follow; however, there are no design standards in place.

Ms. Raymond suggested design standards could include the phrase "if put on Town property". She noted that the current proposed stairway appears to be an ornamental stairway which is not a good idea. Mr. Diener stated that the first stone stairway before the commission at an earlier date was revised during construction and became a more ornamental stairway, which eventually approved by the Board of Selectmen.

Mr. Tilton noted that any problems with the stairs would make wall less effective. He questioned if the stairs in the application before the Commission will be as solid as the rest of the wall. Mr. Riker said the stairs are to be 4 foot long slabs of rock and the cheek walls will overlap 12 inches to lock the steps in place. They will be tied in solidly. Mr. Tilton stated that curved stairs might be more effective in buffering the effects of the pounding surf. He also suggested the curved stairs might be necessary in this case to ensure that the rise is not overly steep, since this revetment is steeper than most. Further, he has no problem with this, as long as other components of the wall are not jeopardized.

Ms. Woolsey commented that the revetments are owned by the property owners, and she would hope to see that they are built in similar fashion. Should there be one weak spot, the ocean activity could damage a number of the revetments along the ocean front. She further stated she is not a fan of curved stairs and would like to see consistency in that it is safer if all the abutting properties are treated the same.

Mr. Diener stated that the Town has to come up with a specific set of standards when the walls/stairs are being rebuilt or newly built. This would be initiated through the Planning Board. Ms. Dionne noted that the Board of Selectmen must also be in agreement.

Ms. Renaud questioned if there are any problems with the wall, and Ms. Dionne stated that the wall will be on the Town's footprint and the design is not drastically different than the others.

Ms. Dionne also stated that there have been issues with people trying to strategically place flat stones down the wall to create an access way like stairs, which shift creating big drops. She noted it would be good to see people share stairs and also coming up with a design that is going to work. Stairs should be backed up by design standards.

Mr. Vinther agreed with Mr. Tilton in that curved stairs will buffer the ocean water. He questioned if any construction equipment will be on the beach itself. Mr. Riker said all work will be done on the site, and not from the beach once the house is demolished.

Ms. Swank agrees that design standards should be initiated and set so that engineers are not playing a guessing game as to what the various Town Boards want.

Ms. Raymond spoke about railings and questioned if the Building Department would make the determination if railings are needed or not.

Ms. Woolsey noted that the stairs are on public property and there will be kids running up and down the stairs. Further, as revetments are being put into place, homeowners will have an interest in protecting their properties and the Town, too, has that interest.

Mr. Tilton commented that if there is a massive wall failure, the fix would be easier if there are design standards. Ms. Dionne pointed out that at Sun Valley walls a majority of the walls were rebuilt by the same contractor, except two. These two walls were constructed of smaller stones and have not held up as well as the other walls.

With regard to the size of the stones, Ms. Raymond said the detail look smaller than size of stones that are to be used in the wall. Mr. Riker commented that the stones shown on the detail are not to scale. Ms. Dionne stated plan C6 identifies the stones are to be 2-3 foot in diameter. Perhaps in the future, any detail that shows stones should include a reference to the plan that specifically calls out the type and size of stones to be used.

There was discussion whether or not to break apart the Special Permit for house vs revetment. Mr. Riker stated that the wall will be completed before the house, especially because equipment access will be via the house site. It was agreed to leave as one permit for house and revetment given the timing issues. It was also noted that the application came in as one for both.

MOTION: Mr. Tilton moved not to oppose the NHDES Expedited Minimum Impact Application for the property located at 1030 Ocean Boulevard for redevelopment of the site with 204 sq. ft. of permanent impact and 3,139 sq. ft. of temporary impact in the 50' buffer and to repair/replace the existing revetment as submitted on Plan D2 submitted this date and signed by the Chairman.

SECOND: Ms. Shaw

VOTE: 5 in Favor, 1 Opposed (Ms. Raymond) 1 Abstain (Mr. Diener)

MOTION PASSED

MOTION: Mr. Tilton moved to recommend the Planning Board approve the Town Special Permit for the property located at 1030 Ocean Boulevard for redevelopment of the site with 204 sq. ft. of permanent impact and 3,139 sq. ft. of temporary impact in the 50' buffer and to repair/replace the existing revetment as submitted on Plan D2 submitted this date and sign by the Chairman, with the following stipulations:

- Monumentation at 50 foot intervals along the wetland boundaries;
- Use of Wetlands Conservation District markers along the wetland buffer at the owner's expense;
- Lawn care must follow the guidelines set forth in the NHDES Shoreland Protection Act (Env-WQ 1400). No storage of grass clippings or yard waste in the wetland or its buffer; and, fertilizer is not to be used in the first 50'.
- Removal of trees that are not dead, diseased, or unsafe must be performed in compliance with NHDES Shoreline Protection Act, Section Env-Wq 1403.05;
- All proposed plantings shall have at least 75% success after two (2) growing seasons. Any plants that do not survive shall be replanted or replaced with another suitable plant species;
- Proper erosion control will be in place before construction begins and remain in place until the area is stabilized and removed after construction is complete. Silt fence and hay bales for dwelling site;
- There are to be no additional structures such as sheds, swimming pools, gazeboes, patios or other sealed surface, etc. in the buffer, other than that shown on the approved plan. A new Special Permit is required for the erection of any additional structure(s) in the buffer;
- The Conservation Commission shall be notified in writing upon commencement and completion of the project and before an occupancy permit is issued by the Building Department. An inspection shall be scheduled by the Conservation Coordinator upon completion of the seawall and prior to substantial dwelling construction;
- An As-Built Plan shall be submitted following project completion to include grade and elevation including those shown on Plan C-6 presented this date; and
- This permit will expire two years from the date that it is granted by the Planning Board. Refer to Hampton Zoning Ordinance, Section 2.3.5 for information on permit extensions.

SECOND: Ms. Shaw

VOTE: 5 in Favor, 1 Opposed (Ms. Raymond) 1 Abstain (Mr. Diener)

MOTION PASSED

NEW BUSINESS:

Discussion was held on recommending design standards for revetments and stairs to the Planning Board. Mr. Diener stated he does not have the expertise to determine which revetment designs

work the best nor which revetments would mitigate wave action most effectively. Ms. Woolsey suggested making a proposal to the Planning Board that they help set up standard specifications by area. If the Planning Board could research area by area where walls are needed, there could be standardized specs for each section. Areas should be tailored for where they are located. She also noted she would like to see wooden stairs.

Ms. Raymond stated there should be consistency in materials. Ms. Dionne noted that people should be steered away from having the stairs as the focal point of the wall. Mr. Tilton noted that shared stairs might be difficult given insurance issues, etc.

It was concluded that a conversation would be held with the Planning Board and perhaps the Board of Selectmen, given the walls/stairs are on Town-owned land. This most likely would require a zoning change. Ms. Shaw stated it would be easier to enforce regulations if design standards were in effect.

OLD BUSINESS:

2015 Projects:

a. Ms. Dionne stated she had met with Mr. Chet Riley. She also went to the Tax Collector and got a list of properties that will be taken for tax purposes. She stated there are parcels in Twelve Shares that are up for tax taking. It may be worthwhile to contact owners in order to see if they would be interested in donating their land.

b. Ms. Dionne also reported that she had visited 4 Ocean Drive at the end of the Sun Valley River. The new property owners want to demolish the home and rebuild. The 2015 flood maps will have an elevation of 14 ft and the new owners are running up against a height issue. If the house is raised up, it will be close to the 35' height limit, creating a requirement for a height variance. She asked if the Commission would consider writing a letter of support for the variance to the ZBA if the building is reasonable. She noted that one cannot penalize an owner for a tall building if they are required to meet FEMA standards.

Mr. Diener stated that it would be a benefit if people wanted to go higher if they are in a flood zone, but it is outside of our jurisdiction if they are outside the 50' buffer. However, he noted he does not want to interfere with the jurisdiction of other Boards and Commissions. Ms. Renaud suggested speaking with the board in question on an informal basis. Ms. Woolsey stated that if Article Two passes, existing homeowners would not be penalized by FEMA if they are year-round residents. This does not include secondary residences.

It was agreed that there may be a benefit with meeting with the ZBA and a letter will be sent requesting a place on their agenda for a future meeting.

c. NH Association of Conservation Commissions. Ms. Dionne stated that the dues are \$820 per year and last year, the Commission chose not to re-join the association. Mr. Coates, Executive Director, would like to address the Commission during one of their meetings. Ms. Dionne said she had lost touch with the group, and Mr. Diener said if the Commission does not use their services, it is not worth the cost of the annual dues. Mr. Vinther stated that Mr. Coates should be given a chance to speak and see what information he has to offer.

It was decided that a letter will be sent to Mr. Coates requesting materials and inviting him to speak at a future meeting that is not overscheduled.

d. Ice Pond Dam. Ms. Dionne has received information from Stevens and Associates that they have filed a DES permit which appears to have triggered interest because it is more than 50 years old. Stevens Associates reported that it is necessary to have an Architectural Historian because of the dam's age. This would be at a cost of \$4000 to \$6000 for review. Ms. Dionne is researching whether this hiring would go through Stevens or through an RFP through the Conservation Commission. She suggested that we wait to see what happens to the Ice Pond Dam warrant article on March 10, and will report on this further.

CONSERVATION COORDINATOR and CHAIR UPDATE.

Ms. Dionne reported on the Twelve Share Snow Shoe Tour on Saturday, February 21st and said she would like to plan another in late March, perhaps on the Drakeside Rd. easement parcel. It was suggested this future event be put on the Web Site to attract other snow-shoers.

Ms. Dionne has done some investigation and finds that snow storage in Town is inadequate. She noted that if there is a buffer at the end of a parking lot, there must be adequate place for storage without it ending up in the buffer. This should be monitored, she stated. Ms. Woolsey stated this should be mentioned to the Planning Board as they are conscious of snow storage issues.

Mr. Diener, on comment of Ms. Woolsey about establishing perimeter protection around the town wells and watershed, stated that the Commission has been working with Aquarion to find ways to protect properties that are near the wells either through easements or acquisitions.

UNITIL Easement - Mr. Diener also reported he has spoken with the Town Attorney regarding the RSA which gives the Conservation Commission rights to acquire land, but there is no RSA saying how it could dispose of land or establish an easement. Town Attorney Gearreald is in conversation with the Municipal Association to research ideas on this matter. (See February 3, 2015 minutes re the UNITIL Easement)

TREASURER's REPORT: Ms. Renaud provided the Commission with copies of the Year End Budget (2014) Report. Copies on file with the Conservation Coordinator.

The next Conservation Commission Public Hearing will be held on March 24, 2015.

ADJOURNMENT:

MOTION: Ms. Raymond moved to adjourn the meeting at 8:30 p.m.

SECOND: Mr. Tilton

VOTE: 7 in Favor, 0 Opposed.

MOTION PASSED

Respectfully submitted,
Anne Marchand, Recorder